

William A. Isaacson (admitted *pro hac vice*)
 BOIES, SCHILLER & FLEXNER LLP
 5301 Wisconsin Ave. NW, Suite 800
 Washington, D.C. 20015
 Telephone: (202) 237-2727
 Facsimile: (202) 237-6131
 Email: wisaacson@bsfllp.com

Philip J. Iovieno (admitted *pro hac vice*)
 Anne M. Nardacci (admitted *pro hac vice*)
 Christopher V. Fenlon (admitted *pro hac vice*)
 BOIES, SCHILLER & FLEXNER LLP
 10 North Pearl Street, 4th Floor
 Albany, NY 12207
 Telephone: (518) 434-0600
 Facsimile: (518) 434-0665
 Email: piovieno@bsfllp.com
 anardacci@bsfllp.com
 cfenlon@bsfllp.com

Counsel for Plaintiffs
 P.C. RICHARD & SON LONG ISLAND CORPORATION,
 MARTA COOPERATIVE OF AMERICA, INC., and
 ABC APPLIANCE, INC.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

In re: TFT-LCD (FLAT PANEL)
 ANTITRUST LITIGATION

This Document Relates To Individual Case No.
 3:11-cv-04119-SI (N.D. Cal.)

P.C. RICHARD & SON LONG ISLAND
 CORPORATION;
 MARTA COOPERATIVE OF AMERICA,
 INC.; and
 ABC APPLIANCE, INC.,

Plaintiffs,

vs.

AU OPTRONICS CORPORATION, et al.,

Defendants.

Case No. 3:11-cv-04119-SI (N.D. Cal.)

Master File No. 3:07-md-01827-SI (N.D. Cal.)

MDL No. 1827

**STIPULATION AND [PROPOSED]
 ORDER WITHDRAWING JOINT
 MOTION TO DISMISS, NEC'S MOTION
 TO DISMISS, SANYO'S MOTION TO
 DISMISS, AND EXTENDING TIME TO
 RESPOND TO AMENDED COMPLAINT**

1 Plaintiffs, P.C. Richard & Son Long Island Corporation, MARTA Cooperative of America,
2 Inc., and ABC Appliance, Inc. ("Plaintiffs"), and Defendants, through the undersigned counsel,
3 request that the Court enter the following order to withdraw (1) Defendants' Joint Motion to
4 Dismiss Plaintiffs' complaint, (2) Defendants NEC Corporation, NEC Corporation of America,
5 NEC Display Solutions of America, Inc., NEC Electronics America, Inc., and NEC LCD
6 Technologies, Ltd.'s ("NEC") Motion to Dismiss Plaintiffs' complaint, and (3) Defendant Sanyo
7 Consumer Electronics, Co., Ltd.'s ("Sanyo CE") Motion to Dismiss, and extend Defendants' time
8 to respond to the amended complaint that Plaintiffs will file on or before November 1, 2011.

9 WHEREAS, on October 4, 2011, Plaintiffs and Defendant Mitsui & Co. (Taiwan), Ltd.
10 ("Mitsui Taiwan") entered into a stipulation giving Mitsui Taiwan until December 1, 2011 to
11 answer, move, or otherwise respond to Plaintiffs' complaint.

12 WHEREAS, on October 6, 2011, certain Defendants filed a joint motion to dismiss
13 Plaintiffs' complaint in this action (MDL Dkt. No. 3848), and Defendants NEC and Sanyo CE
14 filed separate motions to dismiss Plaintiffs' complaint (MDL Dkt. Nos. 3851 and 3854,
15 respectively) (the "Motions");

16 WHEREAS the hearing on the Motions is scheduled for November 18, 2011;

17 WHEREAS Plaintiffs, although they oppose the Motions, will exercise their right under
18 Federal Rule of Civil Procedure 15(a) to file a First Amended Complaint in lieu of filing an
19 opposition to the Motions;

20 WHEREAS the parties agree that the briefing dates and hearing associated with the
21 Motions should be withdrawn and that Plaintiffs will file their First Amended Complaint after the
22 existing deadline to file their oppositions to the Motions;

23 WHEREAS the parties further agree that Plaintiffs may have until November 1, 2011 to
24 file a First Amended Complaint and all Defendants may have until December 5, 2011 to respond
25 to the First Amended Complaint, that Plaintiffs may have until December 23, 2011 to oppose or
26 otherwise respond to Defendants' response, and that Defendants may have until January 9, 2012 to
27 reply to such opposition;
28

1 WHEREAS the parties further agree that the hearing on any responses made by Defendants
2 may be noticed for January 20, 2012;

3 WHEREAS the parties further agree that, in the alternative, the Defendants may have 60
4 days from the date the First Amended Complaint is filed to answer said complaint;

5 THEREFORE, Plaintiffs, by their counsel, and Defendants, by the undersigned counsel,
6 stipulate and agree as follows:

- 7 1. The Motions shall be withdrawn and the briefing schedule and hearing date
8 stricken.
- 9 2. Plaintiffs shall file a First Amended Complaint on or before November 1, 2011.
- 10 3. All Defendants shall respond to the First Amended Complaint by December 5,
11 2011.
- 12 4. Plaintiffs shall oppose or otherwise respond to Defendants' filings by December 23,
13 2011.
- 14 5. Defendants shall submit any replies by January 9, 2012.
- 15 6. The hearing on any responses made by Defendants shall be noticed for January 20,
16 2012.
- 17 7. In the alternative, all Defendants shall have 60 days from the date the First
18 Amended Complaint is filed to answer said Complaint.

19 **IT IS SO STIPULATED.**
20
21
22
23
24
25
26
27
28

1 DATED: October 20, 2011

/s/ William A. Isaacson

William A. Isaacson (admitted *pro hac vice*)
BOIES, SCHILLER & FLEXNER LLP
5301 Wisconsin Ave. NW, Suite 800
Washington, D.C. 20015
Telephone: (202) 237-2727
Facsimile: (202) 237-6131
Email: wisaacson@bsflp.com

Philip J. Iovieno (admitted *pro hac vice*)
Anne M. Nardacci (admitted *pro hac vice*)
Christopher V. Fenlon (admitted *pro hac vice*)
BOIES, SCHILLER & FLEXNER LLP
10 North Pearl Street, 4th Floor
Albany, NY 12207
Telephone: (518) 434-0600
Facsimile: (518) 434-0665
Email: piovieno@bsflp.com
anardacci@bsflp.com
cfenlon@bsflp.com

*Counsel for Plaintiffs P.C. Richard & Son, LLC, MARTA
Cooperative of America, Inc., and ABC Appliance, Inc.*

/s/ Christopher A. Nedeau

Carl L. Blumenstein (CA Bar No. 124158)
Christopher A. Nedeau (CA Bar No. 81297)
NOSSAMAN LLP
50 California Street, 34th Floor
San Francisco, California 94111-4799
Telephone: (415) 398-3600
Facsimile: (415) 398-2438
Email: cnedeau@nossaman.com
cblumenstein@nossaman.com

*Counsel for Defendants AU Optronics Corporation and
AU Optronics Corporation America*

/s/ Neal A. Potischman

Christopher B. Hockett (SBN 121539)

Neal A. Potischman (SBN 254862)

Sandra West (SBN 250389)

Samantha H. Knox (SBN 254427)

Micah G. Block (SBN 270712)

DAVIS POLK & WARDWELL LLP

1600 El Camino Real

Menlo Park, California 94025

Telephone: (650) 752-2000

Facsimile: (650) 752-2111

Email: chris.hockett@davispolk.com

neal.potischman@davispolk.com

sandra.west@davispolk.com

samantha.knox@davispolk.com

micah.block@davispolk.com

Jonathan D. Martin (admitted pro hac vice)

DAVIS POLK & WARDWELL LLP

450 Lexington Avenue

New York, New York 10017

Telephone: (212) 450-4000

Facsimile: (212) 701-5800

Email: jonathan.martin@davispolk.com

*Counsel for Defendants Chimei Innolux Corporation
(f/k/a Chi Mei Optoelectronics Corp.), Chi Mei
Optoelectronics USA, Inc., and CMO Japan Co., Ltd.*

/s/ Stephen P. Freccero

Melvin R. Goldman (CA Bar No. 34097)

Stephen P. Freccero (CA Bar No. 131093)

Derek F. Foran (CA Bar No. 224569)

MORRISON & FOERSTER LLP

425 Market Street

San Francisco, CA 94105-2482

Telephone: (415) 268-7000

Facsimile: (415) 268-7522

Email: mgoldman@mofo.com

sfreccero@mofo.com

dforan@mofo.com

*Counsel for Defendants Epson Electronics America, Inc.
and Epson Imaging Devices Corporation*

/s/ Ramona M. Emerson

Hugh F. Bangasser (*pro hac vice*)
Ramona M. Emerson (*pro hac vice*)
K&L GATES LLP
925 Fourth Avenue, Suite 2900
Seattle, WA 98104
Telephone: (206) 623-7580
Facsimile: (206) 370-6371
Email: hugh.bangasser@klgates.com
ramona.emerson@klgates.com

Jeffrey L. Bornstein, (CA State Bar No. 99358)
K&L GATES LLP
Four Embarcadero Center, Suite 1200
San Francisco, CA 94111
Telephone: (415) 249-1059
Facsimile: (415) 882-8220
Email: jeffrey.bornstein@klgates.com

Counsel for Defendant HannStar Display Corporation

/s/ Kent M. Roger

Kent M. Roger (CA Bar No. 95987)
Michelle Kim-Szrom (CA Bar No. 252901)
Jennifer L. Calvert (CA Bar No. 258018)
MORGAN LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
San Francisco, CA 94105-1126
Telephone: (415) 442-1000
Facsimile: (415) 442-1001
Email: kroger@morganlewis.com
mkim-szrom@morganlewis.com
jennifer.calvert@morganlewis.com

*Counsel for Defendants Hitachi, Ltd., Hitachi Displays,
Ltd. and Hitachi Electronic Devices (USA), Inc.*

/s/ Kevin C. McCann

Holly House (SBN 136045)
Kevin McCann (SBN 120874)
Sean Unger (SBN 231694)
PAUL HASTINGS LLP
55 Second Street
Twenty-Fourth Floor
San Francisco, CA 94105-3441
Email: hollyhouse@paulhastings.com
kevinmccann@paulhastings.com
seanunger@paulhastings.com

Michael R. Lazerwitz (*pro hac vice*)
Lee F. Berger (SBN 222756)
Jeremy J. Calsyn (SBN 205062)
CLEARY GOTTlieb STEEN & HAMILTON LLP
One Liberty Plaza
New York, NY 10006
Telephone: (212) 225-2000
Facsimile: (212) 225-3999
Email: mlazerwitz@cgsh.com
lberger@cgsh.com
jccalsyn@cgsh.com

*Counsel for Defendants LG Display Co. Ltd.
and LG Display America, Inc.*

/s/ Michael E. Mumford

Paul P. Eyre
Ernest E. Vargo
Michael E. Mumford
BAKER & HOSTETLER LLP
1900 East 9th Street, Suite 3200
Cleveland, OH 44114
Telephone: (216) 621-0200
Facsimile: (216) 696-0740
Email: peyre@bakerlaw.com
evargo@bakerlaw.com
mmumford@bakerlaw.com

*Counsel for Defendants Mitsui and Co. (Taiwan), Ltd.,
and Mitsui & Co. (U.S.A.), Inc.*

/s/ George Niespolo

George Niespolo (SBN 72107)
Stephen Holbrook Sutro (SBN 172168)
DUANE MORRIS LLP
One Market Plaza, Spear Tower
Suite 2000
San Francisco, CA 94105
Telephone: (415) 957-3000
Facsimile: (415) 957-3001
Email: gdniespolo@duanemorris.com
shsutro@duanemorris.com

*Counsel for NEC Corporation of America, NEC Display
Solutions of America, Inc., and NEC Electronics America,
Inc.*

/s/ Robert D. Wick

Robert D. Wick (*pro hac vice*)
Derek Ludwin (*pro hac vice*)
Neil K. Roman (*pro hac vice*)
COVINGTON & BURLING LLP
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: (202) 662-6000
Facsimile: (202) 662-6291
Email: dludwin@cov.com
rwick@cov.com
jdavidson@cov.com

*Counsel for Defendants Samsung
Semiconductor, Inc., Samsung Electronics
Co., Ltd., and Samsung Electronics America, Inc.*

/s/ Allison A. Davis

Allison A. Davis (CA Bar No. 139203)
DAVIS WRIGHT TREMAINE LLP
505 Montgomery Street, Suite 800
San Francisco, CA 94111-6533
Telephone: (415) 276-6500
Facsimile: (415) 276-6599
Email: allisondavis@dwt.com

Nick S. Verwolf (*pro hac vice*)
DAVIS WRIGHT TREMAINE LLP
777 – 108th Ave. N.E., Suite 2300
Bellevue, WA 98004
Telephone: (425) 646-6125
Facsimile: (425) 646-6199
Email: nickverwolf@dwt.com

Counsel for Defendant Sanyo Consumer Electronics Co., Ltd.

/s/ Jacob R. Sorensen

John M. Grenfell (CA Bar No. 88500)
Jacob R. Sorensen (CA Bar No. 209134)
PILLSBURY WINTHROP SHAW PITTMAN LLP
50 Fremont Street
San Francisco, CA 94105
Telephone: (415) 983-1000
Facsimile: (415) 983-1200
Email: john.grenfell@pillsburylaw.com
jake.sorensen@pillsburylaw.com

*Counsel for Defendants Sharp Corporation and Sharp
Electronics Corporation*

/s/ Rachel S. Brass

Joel S. Sanders
Rachel S. Brass
GIBSON, DUNN & CRUTCHER LLP
555 Mission Street, Suite 3000
San Francisco, CA 94105-2933
Telephone: (415) 393-8200
Facsimile: (415) 393-8306
Email: jsanders@gibsondunn.com
rbrass@gibsondunn.com

Counsel for Defendant Tatung Company of America, Inc.

/s/ John H. Chung

John H. Chung (*pro hac vice*)
WHITE & CASE LLP
1155 Avenue of the Americas
New York, NY 10036-2787
Telephone: (212) 819-8200
Facsimile: (212) 354-8113
Email: jchung@whitecase.com

Christopher M. Curran (*pro hac vice*)
Kristen J. McAhren (*pro hac vice*)
WHITE & CASE LLP
701 Thirteenth Street, NW
Washington, DC 20005-3807
Telephone: (202) 626-3600
Facsimile: (202) 639-9355
Email: ccurran@whitecase.com
kmcahren@whitecase.com

*Counsel for Defendants Toshiba Corporation, Toshiba
America Electronic Components, Inc., Toshiba America
Information Systems, Inc., and Toshiba Mobile Display
Co., Ltd.*

1 Pursuant to General Order 45, Part X-B, the filer attests that concurrence in the filing of
2 this document has been obtained from stipulating defendants.

3 **IT IS SO ORDERED.**

4
5 Dated: 10/24, 2011

6 
7

8 Susan Illston, United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28